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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

20 ROB DUNN, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

22 ||

Case No. 16-cv-00036-JD; 16-cv-00777-JD

**SECOND JOINT REPORT REGARDING
STATUS OF ARBITRATION
PROCEEDINGS**

Crtrm: 11, 19th Floor

The Honorable James Donato

Pursuant to the Court's July 24, 2018 Order Re Arbitration Proceedings, Dkt. No. 153,¹ the parties submit this *second* joint report regarding the status of the arbitration captioned, *Kate McLellan v. Fitbit, Inc.*, AAA Case No. 01-18-0001-3597 (the "Arbitration").

Claimant submitted an opening brief regarding arbitrability and scope on October 30, 2018. Respondent filed its response on November 16, 2018, and Claimant filed her reply on November 26, 2018. The parties attended an in-person hearing on December 7, 2018. Per the Arbitrator's request, the parties submitted supplemental briefing following the hearing and are due to provide additional supplemental submissions on January 23, 2019.

Dated: January 22, 2019

MORRISON & FOERSTER LLP

By: s/ David F. McDowell
David F. McDowell

Attorneys for Defendant
FITBIT, INC.

Dated: January 22, 2019

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¹ See Dkt. No. 153 at 10:15-16.

ECF ATTESTATION

I, David F. McDowell, am the ECF User whose ID and Password are being used to file this document. I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: January 22, 2019

MORRISON & FOERSTER LLP

By: s/ David F. McDowell
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